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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2017	.	
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The Committee on Governmental Oversight and Accountability
(Powell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (k) is added to subsection (1) of
section 119.0714, Florida Statutes, to read:

119.0714 Court files; court records; official records.—

(1) COURT FILES.—Nothing in this chapter shall be construed
to exempt from s. 119.07(1) a public record that was made a part
of a court file and that is not specifically closed by order of



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11 court, except:

12 (k)1. A petition, and the contents thereof, for an
13 injunction for protection against domestic violence, repeat
14 violence, dating violence, sexual violence, stalking, or
15 cyberstalking which is dismissed without a hearing, dismissed at
16 an ex parte hearing due to failure to state a claim or lack of
17 jurisdiction, or dismissed for any reason having to do with the
18 sufficiency of the petition itself without an injunction being
19 issued on or after July 1, 2017, is exempt from s. 119.07(1) and
20 s. 24(a), Art. I of the State Constitution.

21 2. A petition, and the contents thereof, for an injunction
22 for protection against domestic violence, repeat violence,
23 dating violence, sexual violence, stalking, or cyberstalking
24 which is dismissed without a hearing, dismissed at an ex parte
25 hearing due to failure to state a claim or lack of jurisdiction,
26 or dismissed for any reason having to do with the sufficiency of
27 the petition itself without an injunction being issued before
28 July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I
29 of the State Constitution only upon request by an individual
30 named in the petition as a respondent. The request must be in
31 the form of a signed, legibly written request specifying the
32 case name, case number, document heading, and page number. The
33 request must be delivered by mail, facsimile, or electronic
34 transmission or in person to the clerk of the court. A fee may
35 not be charged for such request.

36 Section 2. The Legislature finds that it is a public
37 necessity that a petition, and the contents thereof, for an
38 injunction for protection against domestic violence, repeat
39 violence, dating violence, sexual violence, stalking, or



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40 cyberstalking which is dismissed without a hearing, dismissed at
41 an ex parte hearing due to failure to state a claim or lack of
42 jurisdiction, or dismissed for any reason having to do with the
43 sufficiency of the petition itself without an injunction being
44 issued be made exempt from s. 119.07(1), Florida Statutes, and
45 s. 24(a), Article I of the State Constitution. The Legislature
46 finds that the existence of, and the unverified allegations
47 contained in, such a petition may be defamatory to an individual
48 named in it and cause unwarranted damage to the reputation of
49 such individual. The Legislature further finds that removing
50 such a record from public disclosure is the sole means of
51 protecting the reputation of such an individual.

52 Section 3. This act shall take effect July 1, 2017.

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54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete everything before the enacting clause
57 and insert:

58 A bill to be entitled
59 An act relating to public records; amending s.
60 119.0714, F.S.; providing an exemption from public
61 records requirements for petitions, and the contents
62 thereof, for injunctions for protection against
63 domestic violence, repeat violence, dating violence,
64 sexual violence, stalking, or cyberstalking which are
65 dismissed in certain circumstances; providing a
66 statement of public necessity; providing an effective
67 date.